**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**

**THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928**

**OP.No. 22590 of 2002(L)**
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**PETITIONER:**
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**C.P.AJITHA W/O.C.JAYAPRAKASH, MADHAVA NIVAS, P.O.AADIKADKALAYI, KANNUR DISTRICT**

**BY ADV. SRI.SAIBY JOSE KIDANGOOR**

**RESPONDENTS:**
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1. **THE STATE OF KERALA, REPRESENTED BY THE HONOURABLE SECRETARY TO GOVERNMENT, LABOUR AND REHABILITATION DEPARTMENT, THIRUVANANTHAPURAM**

2. **DISTRICT EXECUTIVE OFFICER, KERALA, MOTOR TRANSPORT WORKERS WELFARE FUND BOARD, KANNUR DISTRICT.**

3. **SPECIAL DEPUTY TAHSILDAR, (REVENUE RECOVERY), KANNUR DISTRICT**

**BY ADV. SRI.PAULSON C.VARGHESE,SC,KMTWF BOARD**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**KURIAN JOSEPH, J.**

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**O.P.No.22590 OF 2002**

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**Dated this the 7th day of December, 2006**

**J U D G M E N T**

Petitioner is aggrieved by the proceedings initiated against her under the provisions of Kerala Motor Transport Workers Welfare Fund. It is seen that the petitioner pursued the matter in an appeal before the Government and the same was rejected on the only ground of delay. Going by the statement filed on behalf of the 2nd respondent, it cannot be said that there is delay since the final determination order has been passed only on 22.8.2001 after due credit to the payment made by the petitioner. In such circumstances, this court would have normally set aside the appellate order and sent back this matter to the Government. But going by the contentions taken by the petitioner regarding the enquiry conducted by the assessing authority, I am of the view that the petitioner has to be given a chance before the assessing authority. Accordingly, impugned orders are set aside. The matter is remitted to the 2nd respondent with a direction to conduct a fresh enquiry with notice to the petitioner and other affected parties and pass a fresh final determination order within

a period of three months from the date of production of a copy of this judgment. The amount already paid by the petitioner shall be duly adjusted.

The writ petition is disposed of as above.

**(KURIAN JOSEPH, JUDGE)**

**ps**

**KURIAN JOSEPH, J.**

**O.P.No. 22590/2002**

**JUDGMENT**

**7th December, 2006**